**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION NO.12742 of 2007**

Dated: 25-10-2007

Between:

Mohammed Jalaluddin Akber
And others

..... Pet

AND

The State of A.P., rep by
Secretary to Government,
Land Acquisition, Hyderabad.

and others.

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Counsel for the petitioners : Sri M.Subramanyam

Counsel for the respondents : Sri Y.Ravinder, SC for HUDA (ORR)

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**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No.12742 of 2007**

**O R D E R:**

This writ petition is filed for a writ of mandamus to declare the action of the respondents in forcibly entering into the land belonging to the petitioners in an extent of Ac.50-00 in survey No.1 (part) situated at Chilkur Kancha village, Moinabad Mandal, Ranga Reddy district.

Heard Sri M.Subramanyam, learned counsel for the petitioners and Sri Y.Ravindra, learned Standing Counsel for Hyderabad Urban Development Authority (ORR).

Admittedly, O.S.No.15015 of 2002 filed by the petitioners for declaration of petitioners' title and for injunction against the Forest Department (the Government) is pending before the learned Principal Junior Civil Judge, Ranga Reddy district. When the Civil Court granted injunction in favour of the petitioners, the State Government filed C.M.A.Nos.1074 and 1075 of 2004 in this Court and this Court by an order dated 22.4.2004 permitted the Government to put up fence around the disputed land. The petitioners carried the mater to the Supreme Court by way of Special Leave Petition (Civil) Nos.13701 and 13702 of 2004. The Supreme Court while declining to interfere with the orders of this Court directed that neither side would put up any fence on the land and undertake any activity on the suit land. In the said order, the trial Court was directed to dispose of the suit by December, 2005.

Despite the direction given by the Supreme Court, the civil Court has not so far decided the suit. The learned counsel for the petitioners fairly submitted that till such time as the petitioners' title is declared, the petitioners may not be entitled to payment of compensation. He further stated that so far one layer of the road for formation of Outer Ring Road has been laid and the respondents are seeking to complete the construction.

Having regard to the fact that the petitioners' title is in dispute and the further fact that already the respondents have been carrying on the work, I am not inclined to injunct the respondents from further proceeding with the work. However, it is made clear that in the event of the petitioners succeeding in the pending civil suits (O.S.No.15015 of 2002 and 7 other cases), the respondents

shall be liable to pay appropriate compensation representing the market value of the property, subject to the finality of the judgments in the suits.

With the above observations, the writ petition is disposed of.

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**C.V.NAGARJUNA REDDY,J**

Date:25.10.2007

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